

19-6-320 Remedial action completion procedures -- Legal remedies.

- (1) A party who has entered an agreement or who has been issued a final order under the authority of Sections 19-6-317 through this section shall send notice to the executive director when the remedial action for the facility is completed.
- (2) Upon notice that remedial action at a facility is complete, the executive director shall inspect the facility to determine if the remedial action plan as implemented meets the substantive requirements of CERCLA.
- (3) If the executive director determines that the remedial action plan as implemented meets the substantive requirements of CERCLA, except for any ongoing activities at the facility, including operation, maintenance, or monitoring, he shall issue a notice of agency action declaring that remedial action at the facility is complete and removing the facility from the hazardous substances priority list.
- (4)
 - (a) If the executive director determines that the remedial action plan for a national priority list site, as implemented, does not meet the substantive requirements of CERCLA, he may issue an order directing the responsible parties to take additional actions to implement the remedial action plan.
 - (b) If the responsible parties refuse to comply with the order the executive director may take enforcement action.
- (5)
 - (a) If the executive director determines that the remedial action plan for a proposed national priority list site or a scored site has not been properly and completely implemented according to the agreement between the executive director and the responsible parties, or is not consistent with the substantive requirements of CERCLA, he shall request that the responsible parties take additional actions to fulfill the agreement to implement the remedial action plan.
 - (b) If the responsible parties refuse to comply with the request, the executive director may take action to enforce the agreement.

Amended by Chapter 275, 2001 General Session